

**REMARKS/ARGUMENTS**

In view of the amendments and remarks herein favorable reconsideration and allowance of this application are respectfully requested. By this amendment, claims 7 and 8 have been canceled and new claims 9 and 10 have been added. Thus, claims 9 and 10 are pending for further examination.

While claims 7 and 8 have been canceled herein, Applicant has filed an appropriate Terminal Disclaimer to avoid any further obviousness-type double patenting rejections based on U.S. Patent No. 6,182,126.

Claim 7 has been rejected under 35 USC 103(a) as being obvious over Banker in view of Truckermiller et al. For at least the following reasons, Applicant submits that the new claims herein are not rendered obvious by the cited references. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner asserts that all the features of claim 7 were disclosed in Banker, except for the features of recording the audiovisual information and downloading the desired audiovisual information. However, Applicant points out that Banker also does not teach a step for inputting a user personal identification number. Banker only recites entering a pay-per-view access number. Thus, Applicant respectfully submits that no personalization is disclosed or suggested in Banker.

Moreover, Banker does not disclose a server for supplying downloads. Accordingly, the method disclosed in Banker is not adapted for recording the desired audiovisual information. Amended claim 9 recites a method for operating a home digital

audiovisual information recording and playback apparatus, said apparatus having a set of electronic circuits managed by a central processor using a multitask operating system (see application, p. 3, lines 5-6). In contrast, Banker only teaches a subscription television system (Banker, col. 3, 1.35-3 8) for operating a television receiver and a subscriber terminal (Banker, fig. 1). Neither television receivers nor subscriber terminals disclosed in Banker are adapted for a method as recited in the new claims herein. Furthermore, the Examiner recognizes that Banker does not disclose a step for reproducing audiovisual information during the downloading step.

In addition, Applicant respectfully submits that the feature of using a multitask operating system in order to reproduce audiovisual information during the downloading step is new and non-obvious over the prior art (priority date is Oct. 12, 1994) related to home digital audiovisual information recording and reproduction apparatus/methods. Thus, the particular combination of elements defined in new claim 9 are not obvious over the prior art when considered as the whole. In fact, the technical problem and solution addressed by amended claim 9 is not taught or suggested by Banker or any other prior art of record.

Regarding Truckenmiller, the Examiner asserts that it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Banker to have a recording capability. However, even if such a combination of references was proper, the resulting combination of teachings would only result in an improved subscription television system having very different features from the claimed invention.

For example, there is no teaching or suggestion in the cited prior art of using a multitask operating system so as to reproduce audiovisual information during the downloading step. Truckenmiller only teaches using microcontrollers for either transmitting data to a television or storing a movie in a dedicated memory. Such microcontrollers can be provided with a memory for receiving the download of a movie (col. 4; 1. 45-47).

Accordingly, the embodiments disclosed by Truckenmiller cannot use a multitasking operating system in order to reproduce audiovisual information during the downloading step, as required by the pending claims. In contrast, new claim 9 enables efficient operation of different required tasks (downloading + reproducing) through the multitasking operating system (see also application, p. 17, 1. 16). In short, neither Banker nor Truckenmiller provide any motivation or suggestion to modify the systems thereof to achieve the invention defined by the pending claims herein.

Finally, the cited prior art is directed to other technical purposes than that recited in new claim 9. Banker is directed to a time shifting feature in a subscription television system, while Truckenmiller is directed to an addressing device for identifying remote locations in a video distribution system. In contrast, new claim 9 recites an original, efficient and user-friendly method for choosing, paying and downloading audiovisual information, so as to use a home apparatus (such as TV) as a jukebox, while ensuring selection of audiovisual data only by a person supplying a PIN. Accordingly, Applicant respectfully submits that new claim 9 is new and non-obvious over the cited prior art.

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Regarding new claim 10, neither Banker nor Truckenmiller disclose using, in alternation, two first buffers for storing sound data and two second buffers for storing video data (see application, p. 7, 1. 12-16). This claimed feature enables the download process to be faster and more efficiently performed. Thus, Applicant believes that new claim 10 is new and non-obvious over the prior art of record.

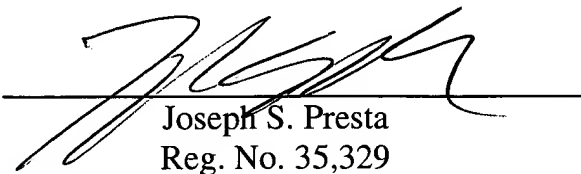
In view of the foregoing amendments and remarks, Applicant believes that all of the pending claims clearly and patentably distinguish the prior art and are in condition for allowance. Thus, withdrawal of the rejections and passage of this case to issuance at an early date are earnestly solicited.

Should the Examiner have any questions regarding this case, or deem that any formal matters need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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